

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

---

## NOTICE OF JUDGMENT NO. 1796.

(Given pursuant to section 4 of the Food and Drugs Act.)

---

### ADULTERATION AND MISBRANDING OF NITROGLYCERIN TABLETS.

At the May, 1912, term of the District Court of the United States for the District of Indiana, held at Indianapolis, Ind., the grand jurors of the United States within and for said district, acting upon a report by the Secretary of Agriculture, returned an indictment against the Swan-Myers Co., Indianapolis, Ind., alleging shipment by said company, in violation of the Food and Drugs Act, on July 22, 1911, from the State of Indiana into the State of Michigan, of a quantity of nitroglycerin in tablet form, which was adulterated and misbranded. The product was labeled: "SM label form copyrighted 1909 by Swan-Myers Co. Tablets Nitroglycerine 369 1/50 grain Ser. No. 24510, Guaranteed by Swan-Myers Co., Chemists, Indianapolis, Ind., Under the Food and Drugs Act. June 30, 1906, 100 500 1000 Red, Wht. Yel. Bl. C. C. Gr Or. Pk. Pl."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Nitroglycerin per tablet, 0.005 grain. Adulteration was charged in the indictment for the reason that the strength of the product fell below the professed standard under which it was sold, said standard under which it was sold and offered for sale was, nitroglycerin tablets, containing one-fiftieth grain of nitroglycerin per tablet, as declared on the label, whereas in truth and in fact the tablets did not contain one-fiftieth grain nitroglycerin per tablet, but contained a much less amount, to wit, 0.005 grain of nitroglycerin per tablet, which was one-fourth of the amount of nitroglycerin per tablet declared on the label. Misbranding was alleged for the reason that the statement "nitroglycerin 1/50 grain," printed and borne upon the label of the product

regarding it, was false and misleading in that it conveyed the impression that each tablet contained in the bottle contained one-fiftieth grain nitroglycerin, whereas, in truth and in fact, the product did not contain one-fiftieth grain nitroglycerin per tablet, but a much less amount, to wit, 0.005 grain of nitroglycerin per tablet.

On May 28, 1912, the defendant company entered a plea of not guilty to the indictment. On June 14, 1912, the case having come on for trial before the court and a jury, a verdict of guilty was returned by the jury and the court imposed a fine of \$200 and costs.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *October 4, 1912.*

1796

